

REMARKS

In connection with the Request for Continued Examination filed herewith, Applicants cancel claims 37-66 and add new claims 67-90. Support for these new claims may be found in the specification, claims, and drawing figures as originally filed. Applicants submit that no new matter has been added with these new claims. Applicants respectfully request examination of these new claims.

The Board of Patent Appeals and Interferences (the "Board") issued a decision in an appeal in the present application on September 29, 2008. The Board sustained the Examiner's rejection of claims 37-42, 44-57, and 59-66. The Board reversed the Examiner's rejection of claims 43 and 58, stating:

"[w]e cannot find a factually sufficient disclosure of using an embedded watermark or digital certificate within Heiskari [U.S. 5,930,723]. The terms watermark and digital certificate have established meanings in the art, which are not encompassed by the showings in Figs. 5 and 7 and the accompanying disclosure in Heiskari . . . For these reasons, the examiner has not established that a group of cellular phones chatting privately in multi-case mode using an embedded watermark or digital certificate is known in the art"

(Board Dec. at 14). Applicants therefore respectfully submit that new claim 74 is allowable in that new claim 74 recites, "wherein the first visual data and the second visual data individually include at least one of an embedded watermark or a digital certificate to facilitate securing the first visual data and the second visual data."

Applicants additionally note that the Board did not find that the prior art of record discloses or suggests "*recognition software* configured to *visually recognize* a first object associated with the first visual data and a second object associated with the second visual data" as recited in new independent claim 67 (emphasis added) and as similarly recited in new independent claims 86, 87, and 90. For at least that reason, Applicants respectfully request allowance of independent claims 67, 86, 87, and 90.

Dependent claims 68-85 and 88-89 are allowable at least because they variously depend from independent claims 67 and 87 that also are allowable, in addition to their own unique features. Applicants therefore respectfully request allowance of dependent claims 68-85 and 88-89.


When "at least one of A, B, or C" is used in the claims, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

The claims of the present application are different and possibly broader than the claims pursued in the parent or related applications. To the extent any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicants hereby rescind and retract such disclaimer. Accordingly, the references construed in the parent or related applications may need to be revisited.

The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further clarify the above amendments. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

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